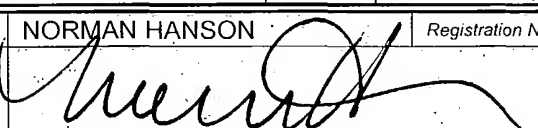


|   |  |  |  |
|---|--|--|--|
| <b>UTILITY<br/>PATENT APPLICATION<br/>TRANSMITTAL</b><br><small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>   |  | <b>Attorney Docket No.</b> LUD 5543.4 DIV<br><b>First Inventor</b> LAURA DUMOUTIER ET AL.<br><b>Title</b> Isolated Nucleic Acid Molecules Which Encode T Cell Inducible Factor (TIFs) the Proteins Encoded, and Uses Thereof<br><b>Express Mail Label No.</b> EV 331558075 US  |  |
| <b>APPLICATION ELEMENTS</b><br><small>See MPEP chapter 600 concerning utility patent application contents.</small>  |  | <b>ADDRESS TO:</b> Mail Stop: Patent Application<br>Commissioner for Patent<br>P.O. Box 1450<br>Alexandria, VA 22313-1450  |  |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)<br><small>(Submit an original, and a duplicate for fee processing)</small><br>2. <input checked="" type="checkbox"/> Applicant claims small entity status.<br><small>See 37 CFR 1.27.</small><br>3. <input checked="" type="checkbox"/> Specification [Total Pages <b>43</b> ]<br><small>(preferred arrangement set forth below)</small><br>- Descriptive title of the invention<br>- Cross Reference to Related Applications<br>- Statement Regarding Fed sponsored R & D<br>- Reference to sequence listing, a table, or a computer program listing appendix<br>- Background of the Invention<br>- Brief Summary of the Invention<br>- Brief Description of the Drawings (if filed)<br>- Detailed Description<br>- Claim(s)<br>- Abstract of the Disclosure<br>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <b>1</b> ]<br>5. Oath or Declaration [Total Sheets <b>1</b> ]<br>a. <input type="checkbox"/> Newly executed (original or copy)<br>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br><small>(for continuation/divisional with Box 18 completed)</small><br>c. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br><small>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small><br>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 |  | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)<br>8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)<br>a. <input type="checkbox"/> Computer Readable Form (CRF)<br>b. Specification Sequence Listing on:<br>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input checked="" type="checkbox"/> Paper<br>c. <input type="checkbox"/> Statements verifying identity of above copies<br><b>ACCOMPANYING APPLICATIONS PARTS</b><br>9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))<br>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input type="checkbox"/> Power of Attorney<br>11. <input type="checkbox"/> English Translation Document (if applicable)<br>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations<br>13. <input checked="" type="checkbox"/> Preliminary Amendment<br>14. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)<br>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)<br>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.<br>17. <input checked="" type="checkbox"/> Other: Check for Filing Fee Request for Interference |  |
| 18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification, following the title, or in an Application Data Sheet under 37 CFR 1.76:<br><input type="checkbox"/> Continuation <input checked="" type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: 09/751,797 filed 12/29/00, which is a CIP of 09/354,243, filed 07/16/99, which is a CIP of 09/178,973, filed 10/26/98<br>Prior application information: Examiner Amy DeCloux Art Unit: 1644<br>For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.  |  |  |  |
| <b>19. CORRESPONDENCE ADDRESS</b>   |  |  |  |
| <input type="checkbox"/> Customer Number or Bar Code Label  |  | <b>24972</b>   |  |
|   |  | <input type="checkbox"/> Correspondence address below  |  |
| Name _____<br>Address _____<br>City _____ State _____ Zip Code _____<br>Country _____ Telephone _____ Fax _____   |  |  |  |
| Name (Print/Type) <b>NORMAN HANSON</b>  |  | Registration No. (Attorney/Agent) <b>30,946</b>  |  |
| Signature    |  | Date <b>7/25/03</b>  |  |

 22212 U.S. PTO  
 10/627273  
 07/25/03

Effective 01/01/2003. Patent fees are subject to annual revision.

|                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Applicant claims small entity status. See 37 CFR 1.27 |
|-------------------------------------|---|

|                         |      |        |
|-------------------------|------|--------|
| TOTAL AMOUNT OF PAYMENT | (\$) | 375.00 |
|-------------------------|------|--------|

**Complete if Known**

|                      |                        |
|----------------------|------------------------|
| Application Number   | TO Be assigned         |
| Filing Date          | Concurrently Herewith  |
| First Named Inventor | Laure Dumoutier et al. |
| Examiner Name        | Not Yet Assigned       |
| Art Unit             | N/A                    |
| Attorney Docket No.  | NY-LUD 5543.4 DIV      |

**METHOD OF PAYMENT** (check all that apply)

|                                     |       |                          |             |                          |             |                          |       |                          |      |
|-------------------------------------|-------|--------------------------|-------------|--------------------------|-------------|--------------------------|-------|--------------------------|------|
| <input checked="" type="checkbox"/> | Check | <input type="checkbox"/> | Credit Card | <input type="checkbox"/> | Money Order | <input type="checkbox"/> | Other | <input type="checkbox"/> | None |
|-------------------------------------|-------|--------------------------|-------------|--------------------------|-------------|--------------------------|-------|--------------------------|------|

☐ Deposit Account

Deposit  
Account  
Number

50-0624

Deposit  
Account  
Name

Fulbright & Jaworski L.L.P.

The Director is hereby authorized to: (check all that apply)

|                               |   |
|-------------------------------|---|
| Charge fee(s) indicated below | <input checked="" type="checkbox"/> Credit any overpayments |
|-------------------------------|---|

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 750      | 2001         | 375      | Utility filing fee     | 375.00   |
| 1002         | 330      | 2002         | 165      | Design filing fee      |          |
| 1003         | 520      | 2003         | 260      | Plant filing fee       |          |
| 1004         | 750      | 2004         | 375      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |

|                     |             |               |
|---------------------|-------------|---------------|
| <b>SUBTOTAL (1)</b> | <b>(\$)</b> | <b>375.00</b> |
|---------------------|-------------|---------------|

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|   | Extra Claims                 | Fee from below                              | Fee Paid               |
|---|------------------------------|---|------------------------|
| Total Claims <input type="text" value="3"/> | -20** = <input type="text"/> | <input type="text"/> X <input type="text"/> | = <input type="text"/> |
| Independent Claims <input type="text"/>     | -3** = <input type="text"/>  | <input type="text"/> X <input type="text"/> | = <input type="text"/> |
| Multiple Dependent <input type="text"/>     |                              | <input type="text"/>                        | = <input type="text"/> |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 84       | 2201         | 42       | Independent claims in excess of 3                          |
| 1203         | 280      | 2203         | 140      | Multiple dependent claim, if not paid                      |
| 1204         | 84       | 2204         | 42       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

|              |      |      |
|--------------|------|------|
| SUBTOTAL (2) | (\$) | 0.00 |
|--------------|------|------|

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)

### 3. ADDITIONAL FEES

| Large Entity        |          | Small Entity |          | Fee Description  | Fee Paid |
|---------------------|----------|--------------|----------|--|----------|
| Fee Code            | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051.               | 130      | 2051         | 65       | Surcharge – late filing fee or oath  |          |
| 1052                | 50       | 2052         | 25       | Surcharge – late provisional filing fee or cover sheet.                    |          |
| 1053                | 130      | 1053         | 130      | Non-English specification  |          |
| 1812                | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804                | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251                | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252                | 410      | 2252         | 205      | Extension for reply within second month                                    |          |
| 1253                | 930      | 2253         | 465      | Extension for reply within third month                                     |          |
| 1254                | 1,450    | 2254         | 725      | Extension for reply within fourth month                                    |          |
| 1255                | 1,970    | 2255         | 985      | Extension for reply within fifth month                                     |          |
| 1401                | 320      | 2401         | 160      | Notice of Appeal   |          |
| 1402                | 320      | 2402         | 160      | Filing a brief in support of an appeal                                     |          |
| 1403                | 280      | 2403         | 140      | Request for oral hearing   |          |
| 1451                | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452                | 110      | 2452         | 55       | Petition to revive – unavoidable   |          |
| 1453                | 1,300    | 2453         | 650      | Petition to revive - unintentional   |          |
| 1501                | 1,300    | 2501         | 650      | Utility issue fee (or reissue)   |          |
| 1502                | 470      | 2502         | 235      | Design issue fee   |          |
| 1503                | 630      | 2503         | 315      | Plant issue fee  |          |
| 1460                | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807                | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806                | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021                | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809                | 750      | 2809         | 375      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                | 750      | 2810         | 375      | For each additional invention to be examined (37CFR 1.129(b))              |          |
| 1801                | 750      | 2801         | 375      | Request for Continued Examination (RCE)                                    |          |
| 1802                | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify) |          |              |          |  |          |

\*Reduced by Basic Filing Fee Paid

|              |      |      |
|--------------|------|------|
| SUBTOTAL (3) | (\$) | 0.00 |
|--------------|------|------|

## SUBMITTED BY

|                   |                  |
|-------------------|------------------|
| Name (Print/Type) | Norman D. Hanson |
|-------------------|------------------|

|                                      |        |
|--------------------------------------|--------|
| Registration No.<br>(Attorney/Agent) | 30,946 |
|--------------------------------------|--------|

Complete (if applicable)

Telephone (212) 318-3168

*Signature*

Date \_\_\_\_\_

### Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 331558075 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on the date shown below.

Dated: 7/4/03

Signature: Fani Malikouzakakis (Fani Malikouzakakis)

**CERTIFICATE OF EXPRESS MAIL**"Express Mail" mailing label # EV 331558075 USDate of Deposit July 25, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and is addressed to the Commissioner of Patents, Mail Stop: Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450

Name of Depositor: Fani Malikouzakis

Signature of Depositor

*Fani Malikouzakis***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Laura DUMOUTIER et al.  
 Serial Number : To be Assigned  
 Filing Date : Concurrently Herewith  
 Based on Application  
 Serial No. : 09/751,797  
 Filing Date : December 29, 2000  
 For : ISOLATED NUCLEIC ACID MOLECULES WHICH  
 ENCODE T CELL INDUCIBLE FACTOR (TIFs),  
 THE PROTEINS ENCODED, AND USES THEREOF

Mail Stop: Patent Applications  
 Commissioner of Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

July 25, 2003

**REQUEST FOR INTERFERENCE**  
**(37 C.F.R. 1.604, MPEP 2304)**

Applicants request that an interference be declared between this application and another application, as described below.

Pursuant to 37 C.F.R. 1.604, the following information is provided.

**I. PROPOSED COUNTS**

The proposed counts for the interference are as follows.

Count 1: An isolated nucleic acid molecule which encodes a T cell inducible factor, comprising the nucleotide sequence of SEQ ID NO: 24.

Count 2: An isolated protein encoded by the nucleotide sequence set forth in SEQ ID NO: 24.

Count 3: An antibody which binds specifically to the protein encoded by the nucleotide sequence set forth in SEQ ID NO: 24.

## **II. THE OTHER APPLICATIONS**

The application with which interference is sought is Application Serial No. 10/238,565, to Gurney, et al., filed September 22, 2002, and published on May 29, 2003. At the least, claims 1-5 of the '565 application correspond to proposed Count 1, claims 11-13 correspond to proposed Count 2 and claim 16 and 17 correspond to proposed Count 3.

## **III. WHY AN INTERFERENCE SHOULD BE DECLARED**

The claims of the '565 patent all recite the nucleotide sequence of SEQ ID NO: 1 in some way. SEQ ID NO: 1 of the '565 patent is identical to SEQ ID NO: 24 of the current application. This was recognized by the USPTO, in the parent of the '565 application, i.e., Serial No. 09/870,570, filed May 30, 2001. In an Office Action dated August 13, 2002 (copy attached), the examiner stated, of the '574 application:

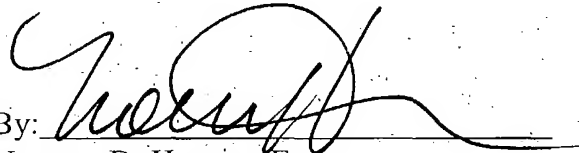
“Claims 1, 3, 4, 6-10, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,331,613, Dumoutier, et al., filed 18 October 1999, and 6,359,117, Dumoutier, et al., filed 16 July 1999. SEQ ID NO: 24 of each of these patents is identical to residues 1-676 of instant SEQ ID NO: 1 and encodes instant SEQ ID NO: 2.”

Claims 1-5, 11-13, 16 and 17 of the '565 application are identical to the claims rejected by the examiner in the parent, '574 application.

It is believed that all of the requisites for seeking to provoke an interference between two applications have been satisfied, and a decision that an interference exists is requested.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.

By: 

Norman D. Hanson, Esq.

Registration No. 30,946

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New York, New York 10103-3198

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